

Mr Mohd Salim, Advocate.

This petition has been filed under Section 482 CrPC for the issuance of directions to respondents-1 to 3 to provide police protection to the petitioners who are a newly married couple.

It is submitted that both the petitioners are major. They are totally illiterate. The date of birth of petitioner-1 is stated to be 5.2.1980. However, she has no certificate in this regard being an illiterate lady. Petitioner-2 is stated to be 21 years of age and is major. Petitioner-1 was married with Lalu @ Lal Sain (respondent-4) but he is stated to be very greedy and a habitual drunkard. She could not adjust with him and ultimately a Talaknama from the Panchayat of the village was got about 4 months earlier. Now, petitioner-2 who is known to petitioner-1, is willing to marry her although she was earlier married and now is a divorcee. On 12.5.2007, the petitioners got their Nikah performed according to Muslim law. It was performed by a Maulvi namely Bashir, a resident of Togri, Tehsil and District Jalandhar. The Nikah ceremony was attended by the close relatives of petitioner-2 and parents of petitioner-1 who are residing at Jammu. Photographs (Annexure P3) taken immediately after the marriage, are annexed with the petition. It is submitted that the present case is on a different footing because petitioner-1 is a divorced muslim lady and petitioner-2 came forward and was willing to marry her. Both the petitioners belong to the Gujjar community. The Nikah that has been performed, it is stated, is not to the liking of the earlier husband (respondent-4) of petitioner-1 and also to respondents-5 to 7 who are real brothers of respondent-4. They are creating problems by making false

propaganda against the petitioners and threatening to kill them. It is submitted that amongst the Gujjar community, there is a Kabilaism and respondents-4 to 7 are threatening to eliminate the petitioners and also cause harassment. The petitioners after marriage are residing as husband and wife in a rented accommodation near Jalandhar city.

After hearing learned counsel for the petitioners and perusing the record, it may appropriately be noticed that the petitioners have not approached respondents-2 and 3 who, in the facts and circumstances of the case, are better placed to ascertain the ground realities and also grant necessary relief.

Accordingly, the present petition is disposed of with a direction to respondents-2 and 3 that in case the petitioners approach any of them setting out the grievances as have been made in the present petition, they shall look into the matter independently and in accordance with law.

30.5.2007.
ASR

(S.S.SARON)
JUDGE